

ELD-1-E

October 4, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **07-3719**

ROLAND C. ANDERSON

v.

GENERAL MOTORS CORPORATION

(D. Del. Civ. No. 05-cv-0877)

Present: SLOVITER, SMITH AND ALDISERT, CIRCUIT JUDGES

Submitted are:

- (1) By the Clerk for possible dismissal due to a jurisdictional defect;
- (2) Appellant's response thereto;
- (3) Appellant's Motion to Stay; and
- (4) Appellant's Motion for Appointment of Counsel

in the above-captioned case.

Respectfully,

Clerk

MMW/BNB/par

ORDER

The appeal is dismissed for lack of appellate jurisdiction. Subject to limited exceptions, this Court has jurisdiction over appeals from final decisions of the District Court. See 28 U.S.C. § 1291. Final decisions are those that end the litigation on the merits, leaving nothing for the District Court to do but execute the judgment. See Midland Asphalt Corp. v. United States, 489 U.S. 794, 798 (1989). The order must end the litigation as to all claims and all parties in order to be final. See Andrews v. United States, 373 U.S. 334, 339 (1963). Appellant here seeks to appeal orders denying reconsideration of an interlocutory order, denying requests for a stay of the District Court proceedings, and

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extending a discovery deadline. These orders are not a final within the meaning of § 1291. See Penn West Associates, Inc. v. Cohen, 371 F.3d 118, 123 (3d Cir. 2004); Marcus v. Township of Abington, 38 F.3d 1367, 1370 (3d Cir. 1990); ADAPT of Philadelphia v. Philadelphia Hous. Auth., 417 F.3d 390, 395 (3d Cir. 2005). None of the orders qualifies as an appealable collateral order under this Court's narrow interpretation of the doctrine articulated in Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). Appellant's motions to stay the District Court proceedings and for appointment of counsel, which were both filed in this Court, are denied.



Marcia M. Waldron

Marcia M. Waldron, Clerk

By the Court,

/s/ Dolores K. Sloviter

Circuit Judge

Dated: October 11, 2007

par/cc: Mr. R.C.A.

M.A.W., Esq.